

BEFORE THE STATE ENGINEER OF OREGON

Yamhill County

IN THE MATTER OF THE APPLICATION
OF AMEL AND ZELDA M. FUNK FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION AND USE OF WATER FROM
SOUTH YAMHILL RIVER

ORDER APPROVING
TRANSFER NO. 2832

On June 12, 1973, Amel and Zelda M. Funk filed an application in the office of the State Engineer for the approval of a change in point of diversion and use of water from South Yamhill River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Amel and Zelda M. Funk and recorded at page 15698, Volume 13, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.475 cubic foot per second of water from South Yamhill River, for the irrigation of, 5.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 5 South, Range 4 West, W.M., with a date of priority of January 24, 1939. These lands are irrigated by means of a pump located at a point of diversion 2550 feet South and 100 feet East from the NW corner of Hyde DLC No. 39, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 5 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water from the irrigation of the above described lands, to municipal use for the City of Amity, within Sections 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, Township 5 South, Range 4 West and Sections 24 and 25, Township 5 South, Range 5 West, W.M., and to change the point of diversion to a point to be located 500 feet South and 250 feet West from the NE corner of Section 26,

being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 5 South, Range 5 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in McMinnville, Oregon, on September 11, 1973 at 9:30 a.m. The notice was published in McMinnville News Register, a newspaper printed and having general circulation in Yamhill County, Oregon, for a period of three weeks in the issues of July 13, 20, and 27, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in use is approved and the water right hereinbefore described as appurtenant to the irrigation of 5.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 12.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 12.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 8.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 5 South, Range 4 West, W.M., with a date of priority of January 24, 1939, be severed therefrom and simultaneously and without loss of priority transferred to Municipal purposes for the City of Amity, within S $\frac{1}{2}$ S $\frac{1}{2}$, Section 19, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 20, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$, Section 27, N $\frac{1}{2}$, Section 28, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 29, N $\frac{1}{2}$ N $\frac{1}{2}$, Section 30, Township 5 South, Range 4 West, W.M., SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, and E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25, Township 5 South, Range 5 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from South Yamhill River, to-wit:

From a point located 2550 feet South and 100 feet East from the NW corner of Hyde DLC No. 39, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 5 South, Range 4 West, W.M.

To a point to be located 500 feet South and 250 feet West from the NE corner of Section 26, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 5 South, Range 5 West, W.M.

for the municipal use for the City of Amity, with a date of priority of January 24, 1939, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion of water made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.475 cubic foot per second.

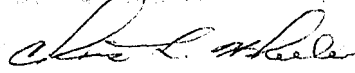
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Amel and Zelda M. Funk and recorded at page 15698, Volume 13, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in use and point of diversion, a certificate of water right shall be issued to City of Amity, confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 18th day of September, 1973.



CHRIS L. WHEELER
State Engineer